IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1409 OF 2007

Shamrao Y. Kamble ....Petitioner
V/s.
Krishnat D. Kamble & Ors. ....Respondents

Mr.V.S. Gokhale for the Petitioner.

CORAM : S.J. VAZIFDAR, J.
DATED : 11TH JULY, 2007.

P.C. :

1. The Petitioner had filed a suit for partition in respect of three properties '1/A', '1/B' and 1/'C'. In an application for interlocutory reliefs of injunction to restrain the Defendants/Respondents from dispossessing him otherwise than by due process of law, the trial Court granted the reliefs only in respect of property '1/C'. In Appeal, the learned District Judge, Kolhapur granted an injunction in respect of property '1/B'. Aggrieved by the order in so far as it does not grant any injunction in respect of property '1/A', the Petitioner has filed this Writ Petition.

2. As far as property 'A' is concerned, there are concurrent finding of fact that the Petitioner is

not in possession of the said property. Considering the record, it is difficult to state that the findings are absolutely unwarranted or perverse. I see no reason for interference with the findings. Needless to clarify that these findings are only prima-facie and will not bind on the Petitioner at the final hearing of the Petition.

3. In the circumstances, the Writ Petition is dismissed.